

### Remarks

Applicants have carefully reviewed the Office Action dated May 19, 2005.

Claims 1-57 are pending. Claim 8 has been withdrawn. Claims 1-6 and 8-57 have been rejected.

#### **35 U.S.C. § 112 Rejection**

Claim 28 was rejected under 35 U.S.C. § 112, ¶ 2. The phrase "wherein the and" was specifically referenced. Claim 28 has been amended to recite "...wherein the third opening..." thereby obviating the rejection. Applicants respectfully request that the rejection be withdrawn.

#### **35 U.S.C. § 102 Rejection**

Claims 1-3, 9-11, 20-31 and 35-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by Wilson et al. (U.S. Patent No. 6,264,682). Applicants respectfully traverse the rejection.

Wilson et al. do not disclose each and every element of the claimed invention. For example, claim 1, as amended, recites in part "an elongate tubular member having a proximal end, a distal end, and a lumen therebetween, the elongate tubular member having a first opening from the lumen at the distal end and a second opening from the lumen proximal to the distal end." This may correspond to either guidewire sections 98A or 98B of Fig. 27 of Wilson et al. However, Wilson et al. does not disclose both "a guidewire that passes through the first opening, through the lumen of the elongate tubular member, and through the second opening" and "a support wire...positioned within the lumen." Wilson et al. discloses a second wire, but that wire is positioned in a second lumen, guidewire lumen 95. Applicants therefore respectfully submit that claim 1 is in

condition for allowance. As claims 2-3 and 9 depend from claim 1 and contain additional elements, applicants submit that these claims are in condition for allowance as well.

Claim 10 recites similar language and applicants submit it is allowable for the reasons discussed above. Claim 10 claims "providing an elongate tubular member having a proximal end, a distal end, and a lumen therebetween, the elongate tubular member having a first opening from the lumen at the distal end and a second opening from the lumen proximal to the distal end," "passing a proximal end of the guidewire... through the lumen of the elongate tubular member" and "advancing an endoluminal medical device through the lumen of the elongate tubular member." As Wilson et al. disclose passing two guidewires through two separate lumens, this combination of steps is not disclosed in Wilson et al. Applicants therefore respectfully submit that claim 10 is in condition for allowance. Claims 11 and 20-24 depend from claim 10 and contain additional elements; applicants therefore submit that these claims are in condition for allowance as well.

Claim 25 recites "an elongate member having a lumen, a proximal end and a distal end, the elongate member having a first opening from the lumen at the distal end, a second opening from the lumen proximal to the distal end, and a third opening from the lumen proximal to the distal end, the first and second openings adapted to pass a first elongate member, the first and third openings adapted to pass a second elongate member." Wilson et al. does not disclose an elongate member having first, second and third openings from the elongate member. Applicants therefore respectfully submit that claim 25 is in condition for allowance. As claims 26-31 and 35-36 depend from claim 25 and contain additional elements, applicants submit that these claims are in condition for

allowance as well.

### **35 U.S.C. § 103 Rejection**

Claims 4-6, 8, 12-19, 32-34 and 37-57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilson et al. in view of Tsugita (U.S. Patent No. 6,168,579).

Applicants respectfully traverse the rejections.

As discussed above with respect to claims 1, 10 and 25, from which certain of these claims depend, Wilson et al. does not anticipate because Wilson et al does not disclose each and every element of the claims. Tsugita does not remedy the deficiency.

Applicants therefore respectfully submit that claims 4-6, 8, 12-19, and 32-34, which depend from either claims 1, 10 or 25 and contain additional elements, are in condition for allowance.

Claim 37 recites "providing a first elongate member having a lumen, a proximal end and a distal end, the elongate member having a first opening from the lumen at the distal end, a second opening from the lumen proximal to the distal end, and a third opening from the lumen proximal to the distal end." Neither Wilson et al. nor Tsugita disclose an elongate member having a lumen, and first, second and third openings from the lumen.

As the cited prior art does not disclose each and every element of claim 37, applicants respectfully submit that the claim is in condition for allowance. As claims 38-57 depend therefrom and contain additional elements, applicants submit that these claims are in condition for allowance as well.

Unlike the bifurcated stent balloon of Wilson et al., the claimed invention provides a rapid exchange sheath that can be advanced over a guidewire and carry an

endoluminal medical device to a region of interest and can thereafter be removed from a patient's vessel without requiring a large proximal guidewire segment extending out of the patients vessel.

Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at 612-677-9050.

Respectfully submitted,

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By their Attorney,

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